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June 10, 2004

VIA EMAIL AND OVERNIGHT DELIVERY

Ms. Mary L. Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station
Boston, Massachusetts 02110

Re: D.T.E. 03-60: Proceeding by the Department of Telecommunications and Energy on its Own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers

Dear Ms. Cottrell:

A.R.C. Networks Inc. d/b/a InfoHighway Communications, Broadview Networks Inc. and Broadview NP Acquisition Corp., Bullseye Telecom Inc., Comcast Phone of Massachusetts Inc., DIECA Communications, Inc. d/b/a Covad Communications Company, DSCI Corporation, Equal Access Networks LLC, Essex Acquisition Corp., Global Crossing Local Services Incorporated, IDT America Corp., Metropolitan Telecommunications, Inc., Spectrotel Inc. and Talk America Inc. (the "Joint Parties"), through counsel and pursuant to the June 7, 2004 Procedural Memorandum issued by the Massachusetts Department of Telecommunications and Energy (the "Department"), hereby respectfully file this letter in support of AT&T's Emergency Motion for an Order to Protect Consumers by Preserving Local Exchange Market Stability and the Petition for an Expedited Order That Verizon Remains Required to Provision Unbundled Networks Elements on Existing Rates and Terms Pending The Effective Date of the Amendments to the Parties' Interconnection Agreements.¹ The Joint

¹ This Petition was filed with the Department by a coalition of competitive local exchange carriers (CLECs) operating within the Commonwealth of Massachusetts, including ACN Communications Services, Inc., Allegiance Telecom of Massachusetts, Inc., Choice One Communications of Massachusetts, Inc., CTC Communications Corp., DSLNet Communications, LLC, Focal Communications Corporation of Massachusetts, Lightship Telecom, LLC, McGraw Communications, Inc., RCN-BecoCom, LLC, RCN Telecom Services of Massachusetts, Inc., SegTEL, Inc., and XO Massachusetts, Inc. (the "Petitioners").

Parties, like AT&T and the Petitioners, are competitive providers of telecommunications services within Massachusetts and are parties to the above-referenced proceeding. Accordingly, the Joint Parties have an interest in ensuring that Verizon New England Inc. d/b/a Verizon Massachusetts ("Verizon") maintain, and not attempt to modify in any way, Unbundled Network Elements ("UNEs") or combinations of UNEs currently offered under existing interconnection agreements, or to increase any rates set forth in those agreements. Therefore, the Joint Parties respectfully request that the Department grant the relief requested by AT&T and the Petitioners for all competitive LECs operating with the Commonwealth of Massachusetts.

Like AT&T and the Petitioners, the Joint Parties are properly concerned that Verizon may attempt to take unilateral action to modify the availability, terms, conditions and/or pricing of UNEs required by their interconnection agreements. Because of inconsistent statements made by Verizon with respect to the rates, terms and conditions under which it will provide UNEs in the event the USTA II mandate does take effect on June 15, relying on Verizon to adhere to the terms of its existing interconnection agreements is both imprudent and insufficient. Rather, as requested by AT&T and the Petitioners, Verizon must be specifically ordered to not modify or attempt to modify, in any way, UNEs or combinations of UNEs currently provided pursuant to existing interconnection agreements or increase any rates set forth in those agreements, unless expressly permitted to do so by the Department.

As noted by AT&T and the Petitioners, it is important to recognize that even if the USTA II decision becomes effective on June 15 it does not "invalidate" any UNEs that Verizon must provide; nor does it change the terms and conditions pursuant to which Verizon must provide such UNEs under existing interconnection agreements, at least until there is a subsequent finding that CLECs are not impaired without access to certain UNEs. Furthermore, the Joint Parties support the Petitioners' statement that if the USTA II decision does become effective it will not have "any immediate effect on Verizon's statutory and contractual obligations to provide unbundled network elements."

Likewise, the Joint Parties concur with AT&T's position that USTA II does not preclude the Department from directing Verizon to preserve the status quo with respect to the availability and pricing of UNEs. Indeed, the Joint Parties submit that the potential fallout from any unilateral action by Verizon to either raise UNE rates or limit their availability is so great that preemptive action by the Department is required. As explained by AT&T and the Petitioners, any such Verizon "self help" measures would likely force competitive carriers to increase the prices charged to their customers and/or limit the services made available to their customers. In the end, certain competitive carriers may be forced to exit the Massachusetts local exchange services market altogether as they would be unable to provide a full range of local services at competitive prices as required by their customer base.

Thus, in order to protect the contract rights of Massachusetts competitive carriers from any unauthorized, unilateral action by Verizon and thereby preserve competition in the Massachusetts local exchange services market, it is imperative that the Department issue an order prior to June 16 expressly requiring Verizon to maintain the status quo in the event USTA II

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becomes effective. Such an action by the Department will clarify Verizon's continuing unbundling obligations under the Telecommunications Act of 1996, its existing interconnection agreements, the Bell Atlantic/GTE merger conditions and the Department's rules and regulations.

For all these reasons, the Parties fully support the AT&T and the Petitioners and respectfully request that the Department grant the relief requested therein for all CLECs in Massachusetts.

Respectfully submitted,

A handwritten signature in black ink that reads "Erin Weber Emmott". The signature is written in a cursive, flowing style.

Genevieve Morelli

Erin Weber Emmott (BBO# 644405)

Brett Heather Freedson

Counsel to the Competitive Carrier Group

cc: Ms. Paula Foley, Assistant General Counsel
Mr. Jesse Reyes, Hearing Officer